

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.5359 of 2000

M/s.Universal Mines ..Petitioner
Vs.
The Collector of Kolhapur
& Ors. ...Respondents

None for the Petitioner
Mr. S.R. Nargolkar, for Respondent Nos. 1,3 and 4.
Mr. Sanjiv A. Sawant, for respondent No.2.
Mr. N.V. Bandivadekar, for Respondent No.6.

CORAM : F.I. REBELLO &
R.V. MORE, JJ.
DATED : 11TH JANUARY, 2007

P.C.

. The petitioners were granted a lease in respect of a mine. On their lease period coming to an end they applied for renewal. That application for renewal was rejected on 28th June, 2000. Subsequent to that lease has been granted in favour of respondent NO.6 on 28th January, 2001. Respondent No.6 was impleaded as a party pursuant to an application taken out by respondent No.6. Even after that the petitioners have not taken any steps to amend the petition to challenge the lease granted in favour of the respondent No.6.

2. When the matter is called out none present for the petitioners. Even otherwise in our opinion considering that the lease granted in favour of respondent No.6 has not been challenged in the petition as filed even if the petitioners

were to succeed no relief could have been granted to the petitioners.

3. Learned Counsel for the respondent No.2 points out that petitioners have deposited some amount in this Court which was the amount which the petitioners have to pay to the respondent No.2 in terms of the lease agreement. It is not necessary for us to go into that issue. It will be open to the respondent No.2 to file appropriate proceedings in the Competent Civil Court. The amount deposited in this Court be released in favour of the party as directed by the Competent Court. The amount to remain invested till the suit is disposed of if filed by the respondent No.2 before the Civil Court.

4. Rule discharged. No order as to costs.

(F.I. REBELLO, J)

(R.V. MORE, J)